

REMARKS

Upon entry of the present amendment, claim 1 will have been amended and claim 10 will have been submitted for consideration by the Examiner.

In view of the herein contained amendments and remarks, Applicants respectfully submit that all the claims in the present application are clearly patentable and are directed to statutory subject matter. Accordingly, reconsideration and withdrawal of the outstanding rejection is respectfully requested together with indication of the allowability of all of the claims pending herein, in due course. Such action is now believed to be appropriate and proper and is thus respectfully requested.

In the outstanding Official Action, the Examiner rejected claims 1-3 and 5-8 under 35 U.S.C. § 101. The Examiner asserted that the claimed invention is directed to non-statutory subject matter. The Examiner indicated that the pending claims recite “sections” that might be interpreted as software, which would comprise a computer program that does not recite a computer readable storage medium. Accordingly, the Examiner asserted that these claims are considered to be nonstatutory functional descriptive material since the computer program’s functionality cannot be realized.

The Examiner additionally indicated that all of the pending claims were allowed in view of Applicant's arguments, prior art of record and the prosecution history of the present invention and that the reasons for allowance are clear based upon the above noted factors.

Applicants note with appreciation and with obvious acquiescence the Examiner's indication of allowable subject matter.

In order to clarify the exact nature of the Examiner's rejection of the pending apparatus claims and to expeditiously determine language to be used in overcoming the outstanding rejection, Applicant's undersigned representative contacted the Examiner to discuss the asserted rejection. The Examiner is respectfully thanked for his courtesy and cooperation during the above noted interview, which was conducted by telephone on May 13, 2009.

During the above noted interview, the Examiner suggested that the communication control apparatus defined in claim 1 be further defined to include a memory and that the memory be referenced in the recitation of the communication control apparatus. Accordingly, by the present response, and without in any manner acquiescing in the propriety of the outstanding rejection, Applicants have amended claim 1 to give effect to the Examiner's helpful suggestions.

During the above noted interview, the Examiner additionally suggested that Applicants could optionally define the radio communication with respect to a transmitter and receiver. Accordingly, by the present response, Applicants have submitted claim 10 to give effect to the Examiner's alternative suggestion.

Accordingly, in view of the herein contained amendments and remarks and based on the Examiner's suggestions, Applicants submit that they have now overcome the outstanding rejection in the present application and respectfully requested an indication to such effect, in due course.

Of course, should the Examiner discover the existence of any other outstanding issues, he is respectfully requested to contact Applicants' undersigned representative who will endeavor to resolve any such issues so as to expedite the progress of the present application towards allowance, particularly in view of the explicit indication that all the claims pending herein are patentable.

Accordingly, Applicants respectfully await the issuance of a Notice of Allowance in the present application, in due course.

SUMMARY AND CONCLUSION

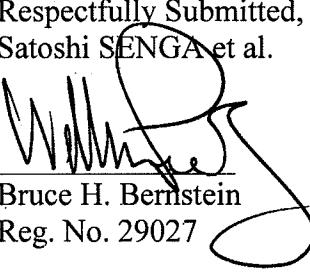
Applicants have made a sincere effort to place the present application into condition for allowance and believe that they have now done so. In particular, Applicants have conducted a brief telephone interview with the Examiner to clarify the manner in which the outstanding rejection could be resolved and have amended the claims in accordance with the Examiner's suggestion. Accordingly, Applicants have provided clear bases for the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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